

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CORINE L. ARBUCKLE	:	CIVIL ACTION
	:	
v.	:	
	:	
MICHAEL ASTRUE	:	NO. 08-4882

ORDER

AND NOW, this 15th day of September, 2009, upon careful and independent consideration of plaintiff's motion for summary judgment (docket entry # 7), defendant's response thereto (docket entry # 8), the Honorable Arnold C. Rapoport's report and recommendation (docket entry # 10), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1, and the Court agreeing with Judge Rapoport that the ALJ failed to make comprehensive findings, particularly regarding the severity of Arbuckle's alleged obesity, it is hereby ORDERED that:

1. The report and recommendation (docket entry # 10) is APPROVED and ADOPTED;

2. Plaintiff's motion for summary judgment (docket entry # 7) is GRANTED IN PART;

3. The case is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further

proceedings consistent with Judge Rapoport's report and recommendation; and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.